


**CITY OF YUCAIPA
DEVELOPMENT SERVICES DEPARTMENT
AGENDA REPORT**

TO: Honorable Chairman and Planning Commissioners

FROM: Madeline Jordan, Associate Planner 

FOR: Planning Commission Meeting of September 6, 2023

SUBJECT: City of Yucaipa (Case No. 22-165/DCA/ORD): Consideration of Ordinance No. No. 429, proposing amendments to streamline the review process initially developed as part of Ordinance No. 344, which amended Chapter 4 (Land Use Modifications) of Division 5 (Overlay Districts) of Volume II (Development Code) of the Yucaipa Municipal Code establishing mobilehome park conversion standards, to comply with the City's Housing Element.

RECOMMENDATION:

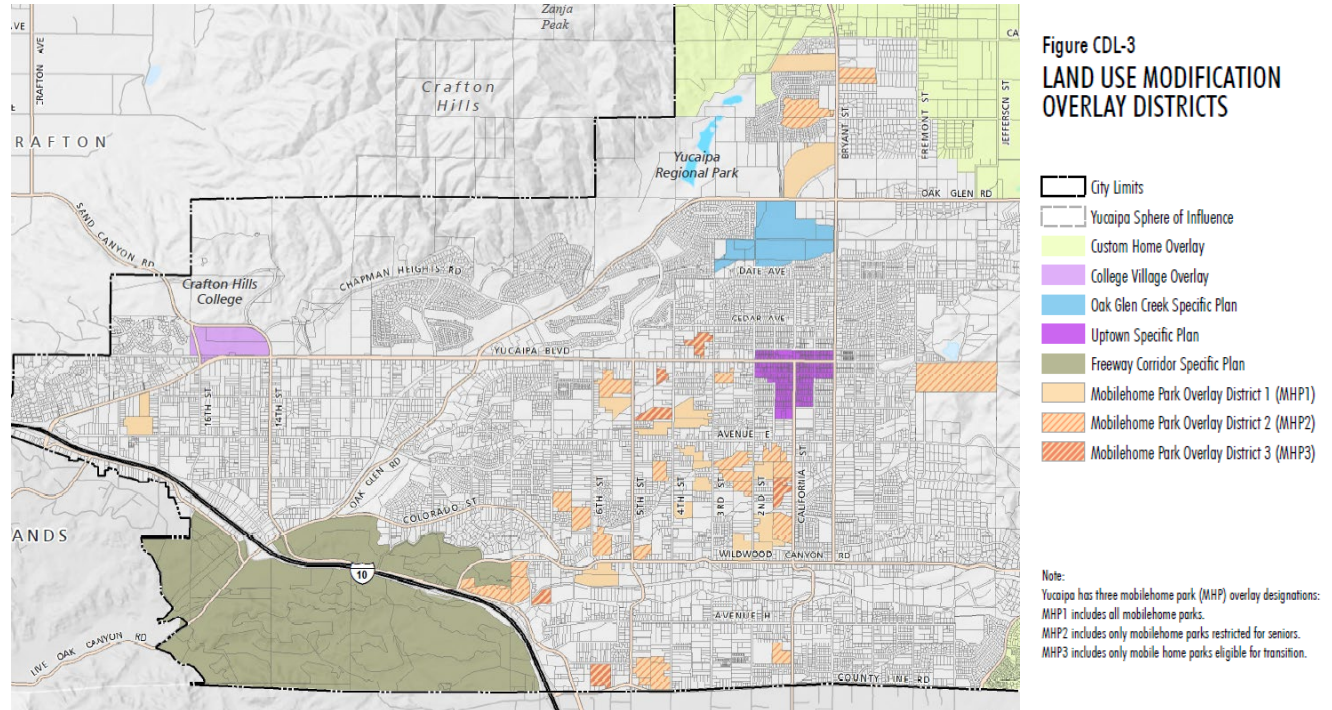
That the Planning Commission conduct a public hearing and recommend that the City Council:

- A) Approve first reading, by title only, as read by staff, of Ordinance No. 429 amending Division 4 of the Yucaipa Development Code to streamline the review process initially developed as part of Ordinance No. 344, to achieve compliance with Program #8 of the City's Housing Element; and
- B) Find that the Ordinance is exempt from Environmental Review as an Addendum to the 2016 Yucaipa General Plan Environmental Impact Report was prepared for the 6th Cycle Housing Element Update (2021-2029) in accordance with Section 15164 of the CEQA Guidelines, and identified that the conditions outlined in Section 15162 of the Guidelines that call for preparation of a subsequent or supplemental EIR were *not* met; further the adoption of the Ordinance is consistent with Program #8 identified in the Housing Element, and would not result in impacts not originally analyzed in the Addendum to the 2016 General Plan EIR.

BACKGROUND:

State Law requires that cities adopt a General Plan to guide future development, goals, and the long-range vision of a community. It is recommended that General Plan policy documents are updated every 10-20 years to reflect changes to circumstances such as the economy, community values, and the built environment. Further, on April 11, 2016, the City Council of the City of Yucaipa ("City") adopted Resolution No. 2016-08, adopting the 2016 updated General Plan ("2016 General Plan"). This update included General Plan Policy CDL-11 (Preservation and Reuse),

Policy CDL-11.5 (Mobile Home Park Transition), and the establishment of Mobilehome Park 3 (MHP3) Overlay, which identified seven (7) dilapidated parks within the City eligible for transition to other land uses.



General Plan (2016) CDL-3. Land Use Modification Overlay Districts.

Shortly thereafter on August 8, 2016, City Council approved Ordinance No. 344, which was a Development Code Amendment to implement the objectives of the aforementioned General Plan polices, and specifically established provisions for the conversion of these mobilehome parks. Currently Ordinance No. 344 establishes that a maximum residential density of 16 dwelling units/acre (du/ac) could be permitted as a part of a conversion application and expanded through a Development Opportunity Reserve¹ (DOR) request and City Council approval.

To streamline the mobilehome park conversion process and ensure greater success of the General Plan Policy, Program #8, “Mobile Home Conversion” was identified as a part of the City of Yucaipa’s adopted 6th Cycle (2021-2029) Housing Element.

¹ Section 85.0403535 of the Development Code explains that in return for providing enhanced architecture and project design, an applicant may seek a greater residential density and/or commercial square footage than otherwise allowed under the regulations of the applicable land use district when formal land use permits, or other entitlements are submitted for discretionary review and action through the Development Opportunity Reserve.

DISCUSSION:

Draft Ordinance No. 429 is presented to the Planning Commission for consideration and a recommendation to the City Council, as it is consistent with the General Plan Housing Element.

The 6th Cycle (2021-2029) City of Yucaipa General Plan Housing Element was certified by the Department of Housing and Community Development (HCD) on October 21, 2022, and this proposed program would amend the Development Code to allow the currently permitted 24 du/ac through a Development Opportunity Reserve (DOR) as a “by-right” residential base density within the Mobilehome Park 3 (MHP3) Overlay. Instead of a Conditional Use Permit (CUP) application which requires discretionary review by the Planning Commission, a Land Use Compliance Review (LUCR) with Architectural Review would become the pertinent planning entitlement for the RM-24 conversion process and could be approved administratively by City staff. This ministerial component of the updated conversion process is required to comply with Program #8 identified in the Housing Element.

It should be noted that if a mobilehome conversion permit includes a DOR request for commercial or mixed-uses, City Council approval and the Memorandum of Understanding (MOU) would still be required.

Environmental Review

Pursuant to CEQA, and the City's local CEQA Guidelines, an Addendum to the 2016 Yucaipa General Plan Environmental Impact Report was prepared for the previously adopted 6th Cycle Housing Element Update (2021-2029). This Addendum was prepared pursuant to Section 15164 of the CEQA Guidelines. The analysis contained in the addendum demonstrates that the conditions described in Section 15162 of the Guidelines that call for preparation of a subsequent or supplemental EIR have not been met, and that the adoption of the Ordinance is consistent with Program #8 identified in the Housing Element, and would not result in impacts not originally analyzed in the Addendum to the 2016 General Plan EIR.

FISCAL IMPACT:

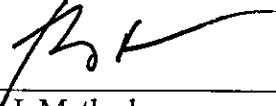
There is no direct fiscal impact with approval of this Development Code Amendment.

CONCLUSION:

The required findings for approval of the Development Code Amendment have been made and are attached.

Attachments: Findings for Development Code Amendment
Draft Ordinance No. 429

Approved by:



Benjamin J. Matlock
Deputy Director of Community Development / City Planner

FINDINGS: DEVELOPMENT CODE AMENDMENT NO. 22-165

1. The proposed Development Code Amendment is consistent with the General Plan (City of Yucaipa's 6th Cycle Adopted Housing Element; 2021-2029) and its policies and objectives because its implementation will enhance the public's health, safety, and general welfare, and has been developed to meet the requirements of state law.

ORDINANCE NO. 429

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA AMENDING CHAPTER 4 (LAND USE MODIFICATIONS) OF DIVISION 5 (OVERLAY DISTRICTS) OF VOLUME II (DEVELOPMENT CODE) OF THE YUCAIPA MUNICIPAL CODE PREVIOUSLY ADDED AS PART OF ORDINANCE NO. 344 TO PROVIDE A STREAMLINED REVIEW OF THE MOBILEHOME PARK CONVERSION STANDARDS CONSISTENT WITH THE CITY'S ADOPTED 6TH HOUSING ELEMENT

WHEREAS, on April 11, 2016, the City Council of the City of Yucaipa ("City") adopted Resolution No. 2016-08, adopting the 2016 updated General Plan ("2016 General Plan") and findings related thereto; and

WHEREAS, on April 25, 2016, the City Council adopted Ordinance No. 343 which adopted the Official Land Use Plan of the City of Yucaipa based on the 2016 General Plan; and

WHEREAS, Ordinance No. 344 was developed as a Development Code Amendment consistent with the General Plan and its policies and objectives to implement Goal CDL-11 (Preservation and Reuse) and Policy CDL-11.5 (Mobile Home Park Transition) of the General Plan, as adopted by City Council on April 11, 2016, which established provisions for the conversion of mobilehome parks; and

WHEREAS, on June 1, 2016, the Yucaipa Planning Commission conducted a duly noticed public hearing to consider and receive testimony regarding Ordinance No. 344, consisting of the proposed amendments to the Development Code consistent with the Community Design and Land Use Element of the General Plan, and related EIR Addendum pursuant to the Planning and Zoning Laws of the State of California and CEQA and the applicable provisions of Division 3 of the Development Code; and at that time the Planning Commission continued the public hearing to June 15, 2016; and

WHEREAS, on June 15, 2016, the Planning Commission conducted a duly noticed continued public hearing on Ordinance No. 344 and its related EIR Addendum in accordance with the Planning and Zoning Laws of the State of California and CEQA and the applicable provisions of Division 3 of the Development Code, at which time all interested parties were given an opportunity to be heard and present evidence; and

WHEREAS, on July 11, 2016, the City Council held a duly noticed public hearing v regarding Ordinance No. 344, consisting of the proposed amendments to the Development Code consistent with the Community Design and Land Use Element of the General Plan and related EIR Addendum, at which time all interested parties were given an opportunity to be heard and present evidence; and

WHEREAS, the City Council adopted Ordinance No. 344 on the 8th day of August, 2016, which formally established the mobilehome park conversion process and the Mobilehome Park Overlay District 3, and had taken all other actions as required by California law to amend the

Development Code, including environmental findings pursuant to the California Environmental Quality Act; and

WHEREAS, on May 18, 2022, the Yucaipa Planning Commission conducted a duly noticed public hearing to consider and receive testimony regarding the proposed 6th Cycle Housing Element (2021-2029), and recommended adoption of the General Plan Update to the City Council; and

WHEREAS, on September 12, 2022, the City Council of the City of Yucaipa (“City”) adopted Resolution No. 2022-20, adopting the 6th Cycle Housing Element Update (2021-2029) to the General Plan (“2016 General Plan”) and findings related thereto; and

WHEREAS, an Addendum to the 2016 Yucaipa General Plan Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act of 1970 and the CEQA Guidelines, as amended; was also adopted by the City Council on September 12, 2022; and

WHEREAS, on October 21, 2022, the Department of Housing and Community Development (HCD), certified the City of Yucaipa’s adopted 6th Cycle (2021-2029) Housing Element in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code); and

WHEREAS, the City of Yucaipa’s adopted 6th Cycle (2021-2029) Housing Element Update identifies certain strategies and programs to further housing needs of the City, including but not limited to Program #8, “Mobile Home Conversion,” which would streamline the currently-permitted 24 du/ac through a Development Opportunity Reserve (DOR) into a by-right process within the Mobilehome Park 3 (MHP3) Overlay; and

WHEREAS, the City is required to monitor and report on the progress and results of Program #8 and other programs identified in the City of Yucaipa’s adopted 6th Cycle (2021-2029) Housing Element through the Annual Progress Report pursuant to Government Code section 65400; and

WHEREAS, the City of Yucaipa’s adopted 6th Cycle (2021-2029) Housing Element Update specifies that Program #8 shall be implemented before the 2024 calendar year; and

WHEREAS, the City Council’s approval of the proposed amendment to the Development Code will result in consistency with the 6th Cycle Housing Element Update (2021-2029) to the General Plan previously adopted by the City and Certified by HCD; and

WHEREAS, the Planning Commission has recommended the approval and adoption of these proposed amendments to the Development Code at a duly noticed public hearing on September 6th, 2023; and

WHEREAS, the City Council has reviewed and considered the information in the Agenda Report, as well as public testimony presented at the hearing; and

WHEREAS, the City Council has made the necessary findings to adopt amendments to the Development Code as required by California law and has taken all other actions as required by California law to amend the Development Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUCAIPA DOES ORDAIN AS FOLLOWS:

Section 1. Article 3.5 (Conversion of Mobilehome Park to Other Uses) of Chapter 4 (Land Use Modifications) of Division 5 (Overlay Districts) of Volume II (Development Code) of the Yucaipa Municipal Code is hereby added to read as follows:

“ARTICLE 3.5 CONVERSION OF MOBILEHOME PARK TO OTHER USES

85.0403501 PURPOSE.

The City of Yucaipa General Plan preserves the City’s mobilehome park inventories through policies establishing mobilehome park overlays and classifications contained in the City of Yucaipa Official Land Use Plan and Land Use Map. The City’s rent stabilization program for mobilehome parks also helps preserve long-term affordability of housing for seniors and families. This Article establishes procedures and requirements for the proposed closure of a mobilehome park or other conversion of an existing mobilehome park to another use. The purpose of this Article is to ensure that any proposed mobilehome park conversion is preceded by adequate notice, and that the social and fiscal impacts of the proposed conversion on park residents are adequately identified and mitigated through reasonable relocation and other assistance, consistent with the provisions of this Article, the City’s General Plan, California Government Code Sections (§) 65863.7, 65863.8 and 66427.4, and Civil Code § 798.56.

85.0403505 APPLICABILITY AND SCOPE

- A. Eligible Parks. This article applies only to those mobilehome parks located on real property bearing the land use designation of MHP3 on the City of Yucaipa Official Land Use Map as provided in § 85.040301 of the Development Code. Parks bearing the land use designation of MHP1 or MHP2 shall not be eligible for conversion pursuant to this Article unless the applicant first obtains a reclassification of the land use designation to MHP3 in accordance with all other requirements of the code and the City’s General Plan.
- B. Except as provided in Subsection C, this Article shall apply to all of the following actions affecting an eligible park:
 - 1. The closure of the mobilehome park or any part thereof;
 - 2. The cessation of use of the subject land as a mobilehome park; and
 - 3. The change of use or other conversion of the mobilehome park or any part thereof to another use.
- C. In addition to Subsection (A), this Article shall not apply to any of the following:
 - 1. The conversion of a rental mobilehome park to resident ownership. For resident-initiated conversions of rental mobilehome parks to resident ownership the provisions of Article 13 of Chapter 4 of Division 3 and the Subdivision Map Act shall apply. For park owner-initiated applications for conversion of a rental park to resident ownership, the provisions of the Subdivision Map Act shall apply.

2. The closure or cessation of use of a mobilehome park resulting from the entry of an order for relief in bankruptcy, if a court of competent jurisdiction has determined that the conversion of the mobile home park is necessary and such court has taken further action which would preclude the payment of relocation assistance benefits.

85.0403510 DEFINITIONS

For the purposes of this Article, unless the context clearly requires otherwise, the following definitions shall apply:

- A. Absentee mobilehome owner or absentee owner: A person who owns a mobilehome in a mobilehome park and does not reside in such mobilehome.
- B. Affected mobilehome owners and residents: Resident mobilehome owners, mobilehome tenants and absentee mobilehome owners whose mobilehomes will be displaced by the conversion of a mobilehome park.
- C. Comparable housing: A house, apartment complex or condominium that is substantially equivalent or better in terms of size (floor area and number of bedrooms), age, condition, location, price or rent level and amenities to the mobilehome that would be displaced by the mobilehome park conversion of use.
- D. Comparable mobilehome: A mobilehome that is substantially equivalent or better in terms of size (floor area and number of bedrooms), age, condition, location, rental price, and amenities to the mobilehome that would be displaced by conversion of the mobilehome park.
- E. Comparable mobilehome park: Any other mobilehome park substantially equivalent or better in terms of park age, condition, size (acreage and number of spaces), amenities, rental prices, rent control or rent stabilization, and other relevant factors to the mobilehome park that would be displaced by the mobilehome park conversion.
- F. Conversion applicant or applicant: A mobilehome park owner who proposes to carry out a mobilehome park conversion of use.
- G. Conversion or conversion of use: A mobilehome park closure, cessation of use or other change of use of a mobilehome park to another land use as defined in subdivision 85.0403505(B) of this Article.
- H. Conversion permit: A ~~discretionary~~ **ministerial permit (including a Land Use Compliance Review and any other pertinent forms required by this Article) to implement a conversion of use of a mobilehome park.**
- I. **Residential Base Density: 24 du/acre shall be permitted as a by-right component of a conversion of use of a mobilehome park.**
- J. Development Opportunity Reserve or DOR: An increase in ~~residential density~~ or commercial square footage for an eligible park site in return for a conceptual development plan, including a memorandum of understanding (“MOU”), that provides enhanced architecture and design,

which would require City Council review and approval concurrent with a conversion permit application.

- K. Director or Director of Development Services: The Director of Development Services of the City of Yucaipa.
- L. Disabled household: A household in which a resident is a person with a medical condition or physical or mental impairment that substantially limits at least one of the person's major life activities, as defined in the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, as now in effect or subsequently amended.
- M. Legal owner: Any person or entity having a legal interest in a mobilehome, such as a lender or mortgagor.
- N. Memorandum of Understanding or MOU: An agreement between the City and a conversion applicant to implement a Development Opportunity Reserve as part of a conversion of use project.
- O. Mobilehome: Mobilehome shall have the meaning set forth in the Mobilehome Residency Law, Civil Code § 798, et seq. as now in effect or subsequently amended. Mobilehome includes, but is not limited to, a manufactured home, as defined in § 798.3 of the Civil Code, § 18007 of the Health and Safety Code, and a mobilehome as defined in § 18008 of the Health and Safety Code, but does not include a recreational vehicle as defined in Civil Code § 799.29, a commercial modular as defined in Health & Safety Code § 18001.8 or factory-built housing as defined in Health & Safety Code § 19971, or as said statutes may be amended from time to time.
- P. Mobilehome Improvements: Any lawfully constructed improvements or renovations to the mobilehome or improvements to the mobilehome space made by the current resident, including but not limited to, carports, roof, porches, patios, awnings, pop-out rooms, recreational equipment, barbecue equipment, landscaping, and similar amenities and repairs.
- Q. Mobilehome Park: As defined in Yucaipa Development Code § 812.13080.
- R. Mobilehome Park Conversion of Use or Conversion: Any closure or cessation of use of land as a mobilehome park or other conversion of use, as provided in subdivision 85.0403505(A) of this Article.
- S. Mobilehome park conversion to ownership: The conversion of an existing rental mobilehome park to resident ownership, including but not limited to a condominium mobilehome park or a community mobilehome park.
- T. Mobilehome Park Overlay District 1 or MHP1: The Mobilehome Park Overlay District established pursuant to Division 5 of the Development Code, and as designated on a particular parcel or parcels of land by the symbol "MHP1" on the City of Yucaipa Official Land Use Plan as provided in § 85.040301 of the Development Code.

- U. Mobilehome Park Overlay District 2 or MHP2: The Senior Mobilehome Park Overlay District established pursuant to Division 5 of the Development Code, and as designated on a particular parcel or parcels of land by the symbol “MHP2” on the City of Yucaipa Official Land Use Plan as provided in § 85.040301 of the Development Code.
- V. Mobilehome Park Overlay District 3 or MHP3: The Mobilehome Park Overlay District established pursuant to Division 5 of the Development Code, applicable to all mobilehome parks designated by the City Council of the City of Yucaipa for reuse to another use, and as designated on a particular parcel or parcels of land by the symbol “MHP3” on the City of Yucaipa Official Land Use Plan as provided in § 85.040301 of the Development Code.
- W. Mobilehome Space: A mobilehome unit, lot or other portion of a mobilehome park designated or used for the occupancy of one mobilehome.
- X. Park Owner: A person or entity that owns a mobilehome park or a person or entity authorized to act on behalf of the owner of a mobilehome park.
- Y. Relocation Impact Report or RIR: A report meeting the requirements of this Article, describing the impacts of a mobilehome park conversion on affected resident mobilehome owners and residents; and including a Relocation Plan describing the relocation assistance measures that will be taken to mitigate adverse impacts of such conversion.
- Z. Relocation Specialist: A person with verified professional qualifications demonstrating: familiarity with the region’s housing market; competency in assisting residents to evaluate, select and secure placement in replacement housing; ability to facilitate the moving of residents’ personal property, residential unit, and/or accessories, as appropriate; knowledge of qualifications for and availability of various housing types and programs; experience in mobile home sales and relocation including assistance in adequacy and location of replacement housing, relocation costs and mitigation of the impact of relocation on affected mobilehome park owners and residents; and ability to assist residents in applying for available housing programs or assistance, including but not limited to, developers, real estate agents, appraisers and other persons with experience in mobile home sales and relocation.
- AA. Resident Mobilehome Owner: The registered (title) owner of the mobilehome in a mobilehome park who resides at such mobilehome.
- BB. Resident Mobilehome Tenant: A person who rents or leases a mobilehome in a mobilehome park and resides at such mobilehome.

85.0403515 GENERAL CONVERSION REQUIREMENTS

- A. Any person who files a conversion permit application with the City for approval of a mobilehome park conversion of use, and any other related discretionary permit to implement a conversion of use, shall concurrently file with the City a Relocation Impact Report that complies with this Article. No conversion permit application shall be considered or deemed complete or processed for consideration or approved unless and until such Relocation Impact Report is filed and approved in accordance with this Article. An applicant may also apply for City Council approval of a Development Opportunity Reserve (DOR) and Memorandum of

Understanding (MOU) prepared in accordance with this Article, but a DOR/MOU shall not be approved or made effective unless a Relocation Impact Report, has first been approved by the City Council in accordance with the requirements of this Article. No Relocation Impact Report or DOR/MOU shall be approved if the subject property bears the land use designation of MHP1 or MHP2. All applications shall be on City-approved forms.

- B. The conversion application shall include a Relocation Impact Report (RIR) that complies with the requirements of this Article and state law. The RIR shall be prepared by a relocation specialist on behalf of the applicant as part of the conversion permit application. The RIR shall address the impact of the conversion of the mobilehome park on its mobilehome owners and residents and shall contain a relocation plan addressing the availability of replacement housing for existing mobilehome owners and residents of the mobilehome park and relocation costs, consistent with § 65863.7 and/or § 66427.4 of the California Government Code and this Article. The application shall also contain pre-conversion questionnaires completed by the affected mobilehome owners and residents. The relocation specialist shall be a person with verified professional qualifications demonstrating: familiarity with the region's housing market; competency in assisting residents to evaluate, select and secure placement in replacement housing; ability to facilitate the moving of residents' personal property, residential unit, and/or accessories, as appropriate; knowledge of qualifications for and availability of various housing types and programs; and ability to assist residents in applying for available housing programs or assistance.
- C. An application for approval of a Development Opportunity Reserve (DOR) and Memorandum of Understanding (MOU) may be included with the conversion of use application. The DOR/MOU shall include a description of the proposed future uses, residential densities, commercial square footage, and design in accordance with § 85.0403535., and consistent with the requirements of the underlying land use district, any applicable Specific Plan and this Article.
- D. Upon filing an application for approval of an RIR and related conversion permit application, the Director of Development Services shall inform the conversion applicant in writing of the requirements of Civil Code § 798.56 and Government Code § 65863.7 and of all applicable City requirements which impose on the applicant the duty to notify the existing mobilehome park owners and residents and prospective residents concerning the proposed conversion. The Director of Development Services shall specify in writing to the conversion applicant the information that must be submitted in order to adequately notify all existing homeowners and residents and other notices as required by the California Government Code, the California Civil Code, and this Article.
- E. No conversion permit application shall be deemed complete, ~~and no hearing on any conversion permit application shall take place,~~ until the Relocation Impact Report, relocation plan and verification that affected mobilehome owners and residents have been properly notified pursuant to Civil Code § 798.56 and have been reviewed by the Director of Development Services for substantial conformance with the requirements of this Article.
- F. No DOR/MOU application shall be deemed complete, and processing for consideration of **DOR/MOU concurrent with a conversion permit application**, will not commence until the

DOR/MOU application have been reviewed and verified by the Director for substantial conformance with the requirements of this Article.

- G. All notices required by this Article shall be delivered by personal delivery or certified mail to the occupant of the mobilehome, absentee owners and legal owners of the mobilehome located on each mobilehome space within the mobilehome park.

85.0403520 RELOCATION IMPACT REPORT CONTENT

- A. Relocation Impact Report (RIR). The conversion applicant shall file a RIR on the impact of the proposed mobilehome park conversion of use upon the affected mobilehome owners and residents of the Mobilehome Park as part of the application for approval of the RIR and conversion permit to the City.
- B. At a minimum the RIR shall include the following information and documentation, and any other information and documentation deemed necessary and appropriate by the Director of Development Services:
 - 1. A detailed description of the proposed use to which the mobilehome park is to be converted;
 - 2. The proposed timetable for implementation of the conversion and development of the site;
 - 3. Legal description of the mobilehome park;
 - 4. Age of the mobilehome park;
 - 5. The total number of mobilehome spaces in the park, number of spaces occupied by mobilehomes, and number of spaces occupied by recreational vehicles;
 - 6. An illustrative map of all spaces, roads, improvements, common areas and amenities in the park;
 - 7. For each mobilehome space in the mobilehome park:
 - a. The age, size, number of bedrooms, manufacturer and date of manufacture of the mobilehome on the space.
 - b. The number of occupant(s) of the mobilehome, if the occupant(s) are absentee owner(s), resident mobilehome owner(s) or mobilehome tenant(s) as defined in § 85.0403510, their ages, and their length of residency in the mobilehome, and whether the mobilehome constitutes each person's primary place of residence.
 - c. The name, mailing address and telephone number of each absentee mobilehome owner, resident mobilehome owner, mobilehome tenant, and legal owner of the mobilehome.

- d. The total monthly space rent and other charges currently charged for each space with detail showing the space rent, utility charges, and any other costs paid by the resident(s), and whether the space is a month-to-month space subject to rent control under Chapter 15.20 of the Code or a long-term lease in excess of 12 months duration.
 - e. The purchase date, purchase price paid by the current resident mobilehome owner(s) or absentee mobilehome owner(s) for the mobilehome, and the amount and terms of any outstanding mortgage loans or other financing obligation for the mobilehome.
 - f. Any lawfully constructed or installed mobilehome improvements that have been paid for by the affected mobilehome owner(s) or resident(s), whether each improvement is movable, and the costs of each improvement.
 - g. The In-Place Fair Market Value of each mobilehome in the mobilehome park. In-Place Fair Market Value shall include but is not limited to any accessory structures whose installation has been approved by mobilehome park management, such as a porch or a carport, and shall be determined by assuming the continuation of the mobilehome park in a safe, sanitary and well-maintained condition. These values shall be determined by appraisals by a qualified appraiser to be chosen by the park owner from a list provided by the Director of Development Services, and considering values of comparable homes in comparable parks. The appraisal shall be made no more than sixty days prior to its submittal to the City. The conversion applicant shall pay all costs and expenses associated with the appraisal, including but expressly not limited to any appraisal fees. The conversion applicant shall not be required to provide appraisal information for park-owned units.
 - h. Any other special or unique circumstances that may restrict potential relocation areas for affected mobilehome park owners and/or residents on a case-by-case basis, which may include but are not limited to disability or other special needs, which restrict potential relocation areas for the affected mobilehome owners and/or residents.
 - i. Any available, alternate housing opportunities known to the affected mobilehome owners and/or residents that would be acceptable as a relocation option to each individual and approximate cost to accomplish a relocation to the alternate housing.
8. An estimate of the relocation cost considering all of the costs related to moving and installing the displaced mobilehomes on an available receiving site, including but not limited to tear down, transportation, and set up of mobilehomes (including all costs of utility hook-ups), providing rental subsidies, or purchasing the mobilehome unit as described in § 85.0403530. Estimates from at least two moving companies shall be submitted with the application. Relocation cost shall not include the cost and expenses associated with the appraisal, including but not limited to any appraisal fees, which shall be paid by the conversion applicant.

9. A list of comparable parks within a fifteen (15) mile radius and for each such park, the space rents and the qualifications for residency in each park (e.g., age restrictions, no pets), rental rates (e.g., first and last months' rent, security deposits, availability of rent control), whether the park has any vacant space and will accept homes being relocated and if so, any restrictions, such as size and age, on the relocated homes that would be accepted.
10. Itemization of the cost of comparable mobilehomes within a fifteen (15) mile radius, including but not limited to, the purchase price of each substantially equivalent or better mobilehome in a comparable mobilehome park as well as the rental rate for each substantially equivalent (or better) mobilehome in a comparable mobilehome park, first and last months' rent, security deposits and substantially equivalent or higher rent or mortgage payments at the comparable mobilehomes. For comparable mobilehomes, the itemization shall state the rental rate for each space and whether the owner of that mobilehome park has agreed in writing to accept affected mobilehome owners and residents that are displaced by the proposed mobilehome park conversion.
11. Itemization of the cost of comparable housing within a fifteen (15) mile radius, including but not limited to the purchase price of each substantially equivalent (or better) condominium, or the monthly rent for and other costs of moving into a comparable apartment or condominium, including such items as first and last months' rent, security deposits and the rental rate for each substantially equivalent or better, or mortgage payments at the comparable housing.
12. Proposed measures to mitigate the adverse impacts of the park conversion on the affected mobilehome owners and residents in the park pursuant to § 85.0403530.
13. A copy of any agreement reached with any affected mobilehome owner or resident relating to the park owner's purchase of the mobilehome, relocation of the affected mobilehome owners or residents, and/or the provision of relocation assistance. The Director may waive the requirement to include any or all of the information required by this section where an affected mobilehome owner or resident and the conversion applicant have reached a final, mutually acceptable agreement as to the relocation assistance to be provided.
14. Copies of the pre-conversion questionnaires completed by the affected mobilehome park owners and residents in accordance with the requirements of § 85.0403525 of this article,
15. Any other information the Director may deem necessary to facilitate the **City's Planning Commission's and City Council's** consideration of appropriate conditions to mitigate the adverse impacts of a park closure or conversion on affected mobilehome owners and residents.

85.0403525 PRE-CONVERSION QUESTIONNAIRE

- A. Prior to the applicant filing a conversion use permit application with the City, the relocation specialist shall distribute a pre-conversion questionnaire to the affected mobilehome owners and residents. The affected mobilehome owners and residents shall have no less than thirty (30) days from the date of certified mailing or personal delivery to complete and return the pre-conversion questionnaire to the relocation specialist.
- B. The Director shall provide a standard pre-conversion questionnaire for use by the relocation specialist. At a minimum, the pre-conversion questionnaire shall include questions requesting the affected mobilehome owners and residents to provide the information required in order for the applicant to prepare a RIR in accordance with subdivision 85.0403520(B) of this Article.
- C. Prior to or concurrent with the distribution of the pre-conversion questionnaire, the applicant shall provide notice to affected mobilehome owners and residents of the applicant's intention to seek City approval for a mobilehome park conversion of use in accordance with this Article. The notice shall, at a minimum, include an explanation, in general terms, of the nature and timeframes of the proposed conversion, shall advise affected mobilehome owners and residents that information will be sought from them to assist in determining appropriate relocation assistance, shall include a copy of the tenants' rights under the Government Code and Mobilehome Residency Law (California Civil Code § 789 et seq.), as amended from time to time, and shall advise the residents that they will be provided with notices of the application for approval of the RIR and conversion permit in accordance with the requirements of this Article and state law.
- D. The notice shall also include the name, qualifications and contact information for the relocation specialist used by the applicant.
- E. Completed pre-conversion questionnaires submitted to the relocation specialist shall be treated as confidential, and disclosure of information provided therein shall be limited to those individuals and uses necessary to accomplish the purpose of this Article, including the applicant, as deemed appropriate by the relocation specialist, and the City.
- F. Neither the completed pre-conversion questionnaire form nor any personal information provided in response thereto shall be considered public information and the City shall not publicly disclose any such information, except as necessary to facilitate the evaluation of the adequacy of the report herein or as may be required by law.
- G. Any affected mobilehome owner or resident may decline to provide any information requested, but the ~~City Council's~~ **City's** determination of the reasonableness of the level of relocation assistance proposed by the applicant will be based on information provided in response to the pre-conversion questionnaire, and the level of assistance deemed reasonable in an individual case may be limited, or the relocation assistance requirement may be eliminated, based on the owner's or resident's verified refusal to provide information necessary to make such a determination.

85.0403530 RELOCATION PLAN

In accordance with Government Code § 65863.7 and § 66426.4, now in effect or as subsequently amended, the conversion applicant shall provide relocation assistance to mitigate any adverse impacts of a mobilehome park conversion on affected mobilehome owners and residents in a manner that does not exceed the reasonable cost of relocation. This section establishes minimum relocation assistance for affected mobilehome owners and residents, which shall be set forth in the Relocation Plan. The conversion applicant and any person eligible for relocation assistance may agree to other mutually satisfactory relocation assistance that meet or exceed these requirements.

- A. Eligibility for Relocation Assistance. Affected mobilehome owners and residents are entitled to relocation assistance if they have not given notice to terminate their lease or other rental agreement as of the date of submittal of the conversion of use application, including the filing of the RIR with the City.
- B. Reasonable Cost of Relocation. Reasonable cost of relocation includes a moving allowance and other applicable types of relocation assistance as defined in this section and based on the RIR and evidence presented at the public hearings on the proposed conversion of use.
- C. Moving allowance for eligible residents. For all eligible residents, relocation assistance shall include a moving allowance to move to another park or other replacement housing up to a distance of fifteen (15) miles. Moving allowance includes:
 1. The cost to move furniture and personal belongings.
 2. Rent for first and last month at the new location.
 3. Required security deposit at the new location.
 4. Temporary lodging, if necessary, up to two months.
 5. Assistance for Disabled Households. For eligible disabled households, relocation assistance may include an additional sum toward the cost of obtaining any assistance needed to enable the resident to move.
 6. Accessibility Improvements for affected mobilehome owners and residents. For eligible affected mobilehome owners and residents, relocation assistance may include payment of the cost to reinstall or replace any accessibility improvements made to the mobilehome such as wheelchair ramps, lifts, and grab bars.
- D. Mobilehome Relocation Costs for Mobilehome Owners. For any mobilehome owner whose mobilehome can be relocated, and in addition to the moving allowance provided in subdivision 85.0403530(C), relocation assistance may include the lowest of three estimates obtained by the conversion applicant with the Director of Development Services approval, from licensed mobilehome movers to physically relocate the mobilehome up to a maximum distance of fifteen (15) miles. The mobilehome owner is responsible for additional costs to move the mobilehome to a location farther than fifteen (15) miles. The estimates shall include the cost of disassembly of the mobilehome, transportation to the new site, reinstallation including but not limited to connection to utility hook-ups, permits, replacement or reconstruction of blocks,

skirting, shiplap siding, process, decks and awning, earthquake bracing if necessary, insurance coverage during transport, including the cost of any upgrades to comply with applicable building, plumbing, electrical and health and safety codes.

- E. Sale at In-Place Market Value for Mobilehome Owners. In addition to the moving allowance provided in subdivision 85.0403530(C), for any eligible mobilehome owner whose home cannot be relocated to a comparable park within fifteen (15) miles or another park chosen by the mobilehome owner, the City shall require the conversion applicant to purchase the mobilehome at In-Place Market Value. The conversion applicant shall hire a qualified appraiser from a list provided by the City to determine the In-Place Market Value of the mobilehome. If the affected mobilehome owner disputes the appraised value of his or her mobilehome, the affected mobilehome owner may hire an appraiser from the City's list to obtain an appraisal, at their own expense. To be considered, the mobilehome owner shall obtain and submit the appraisal to the Director of Development Services ten (10) days prior to the City Council Hearing. The City Council will review and consider the two appraisals.
- F. Limitations on Imposed Conditions. The conditions imposed in connection with approval of a RIR shall not exceed the reasonable costs of relocation. Conditions shall only be imposed in order to ensure that the conversion applicant adequately mitigates adverse impacts of the mobilehome park conversion on affected mobilehome owners and residents.

85.0403535 RELOCATION PLAN DEVELOPMENT OPPORTUNITY RESERVE AND MEMORANDUM OF UNDERSTANDING

An application for a Development Opportunity Reserve (DOR) and Memorandum of Understanding (MOU) to implement the DOR for the proposed conversion of use of an eligible park may be submitted concurrently with, or subsequent to the approval of, a Relocation Impact Report and conversion permit. The proposed DOR/MOU shall be prepared in accordance with the requirements of this section and the applicable land use district and/or Specific Plan, and shall be submitted for review and approval by the City Council.

- A. Purpose. The purpose of the DOR/MOU is to provide a potential developer with the opportunity to obtain early input from the City Council on the concept of a future development project for the reuse of an eligible park which, in **addition to a by-right residential base density of 24 du/acre, and in** return for providing enhanced architecture and project design, the applicant may seek ~~a greater residential density and/or~~ commercial square footage or **a mixed use design**, than otherwise allowed under the regulations of the applicable land use district when formal land use permits or other entitlements are submitted for discretionary review and action. A DOR/MOU does not constitute a commitment to specific density, or to a future specific project or land uses, and all future discretionary entitlement permits and approvals shall be required, including but expressly not limited to, compliance with the California Environmental Quality Act.
- B. Development Opportunity Reserve General Requirements.

~~1. Residential Projects. There is hereby established a Development Opportunity Reserve which constitutes a fixed reserve of dwelling units with a minimum density of 16~~

~~dwelling units per acre and a maximum density of 24 dwelling units per acre (“Dwelling Unit Reserve”) for each eligible park. The Dwelling Unit Reserve applies to a property in a qualitative manner on a project by project basis. The greater the project’s quality in design, the greater the density the project can obtain as approved by the City Council, up to the maximum density of 24 dwelling units per acre. The underlying base residential density, as established by the applicable land use district or Specific Plan land use provisions, would still apply to maintain the existing property’s current dwelling unit yield; and the Dwelling Unit Reserve shall not allow an increase above the underlying base residential density until an actual development proposal which adopts the Dwelling Unit Reserve as part of the discretionary project approvals is formally adopted by the City.~~

1. Commercial Projects: There is hereby established a Development Opportunity Reserve of a combined maximum of 245,000 square feet of commercial uses for all eligible parks (“Commercial Square Footage Reserve”). At no time shall the total square footage of commercial uses for all eligible parks exceed the Commercial Square Footage Reserve. The commercial square footage for proposed commercial uses for an eligible park shall be determined by the City Council on a project by project basis, and as each commercial development or use is approved through discretionary project approvals, the Commercial Square Footage Reserve for all eligible parks shall be correspondingly reduced. An eligible park shall also be subject to all other requirements of the applicable commercial land use district and/or Specific Plan for the subject property. The Commercial Square Footage Reserve incorporated into a DOR/MOU shall not allow an increase above the maximum square footage allowed under the applicable land use district and/or Specific Plan until an actual development proposal is approved by the City which adopts the square footage and other characteristics set forth in the DOR/MOU.
 2. Mixed Use Projects: For any mixed use project, the density of proposed residential uses shall not exceed **24 du/acre** ~~the Dwelling Unit Reserve allowed under subdivision (1);~~ and the square footage of any proposed commercial uses shall not exceed the maximum square footage allowed under subsection (2) based on the available Commercial Square Footage Reserve in combination with the proposed mixed use project and all other approved commercial projects.
 3. The DOR application shall also include a proposed Memorandum of Understanding (“MOU”) that complies with subdivision 85.0403535(C) of this Article.
 4. ~~The Dwelling Unit Reserve Amount, and/or the~~ Commercial Square Footage Reserve, shall be adjusted by the City Council as part of its Development Opportunity Reserve approval action pursuant to § 85.0403550.
- C. Memorandum of Understanding Requirements. The Memorandum of Understanding (“MOU”) shall include a conceptual development plan which addresses, at a minimum, all of the following:
1. Potential future uses of the subject property;

2. The specific number of residential dwelling units proposed and the maximum density for any potential future residential uses for the conversion site, based on ~~the Dwelling Unit Reserve~~ and the requirements of this Code which **permit up to 24 du/acre**;
3. The commercial square footage proposed for any potential future commercial uses for the conversion site, based on Commercial Square Footage Reserve, and the maximum floor area ratio for each lot or parcel based on the underlying land use district;
4. Conceptual architectural design of potential future residential and/or commercial uses.

D. Procedures.

1. The application for a DOR/MOU shall be reviewed by Staff for completeness, and submitted for City Council review and approval. A DOR/MOU application may be submitted with an application for approval of a Relocation Impact Report and conversion permit. No DOR/MOU application shall be effective until the City Council has approved a Relocation Impact Report and conversion permit for the eligible park.
2. The City Council will evaluate the DOR/MOU application and may approve, conditionally approve or disapprove the DOR/MOU in accordance with § 85.0403550 of this Article.
3. Following **either Director approval** of a conversion permit **which allows no more than 24 du/acre** and includes a Relocation Impact Report, or City Council approval **if the conversion permit includes a DOR/MOU**, the applicant may complete any other appropriate land use entitlement application process for formal project review by the Planning Commission and City Council in accordance with the requirements of this Code.

E. Entitlement Procedures for Reuse – Conversion Permit.

1. In addition to the requirement for approval of a Relocation Impact Report, with Relocation Plan, the conversion of use of an eligible park requires that the applicant also obtain approval of a conversion permit for the proposed new uses or development. The conversion permit shall be subject to the same procedures ~~and findings for approval of a Conditional Use Permit~~ **Land Use Compliance Review** set forth in Article ~~4~~ **3** of Chapter 3 of Division 3 of the Development Code.
2. Residential development proposed as part of a conversion permit and evaluated in accordance with the procedures of a ~~and findings for approval of a Conditional use Permit~~ **Land Use Compliance Review** and consistency with the Property Development Standards required by Section 84.0335(b) of Chapter 3 of Division 4 (High Density Multiple Residential (RM-24) District), and shall also be designed consistent with the provisions of Chapter 13 of Division 8 of the Development Code (High Density Multiple Residential Design Standards).
3. Commercial development proposed as part of a proposed conversion of use permit and evaluated subject to the procedures and findings for approval of a Conditional Use

Permit shall be designed consistent with the Property Development Standards required by Section 84.0350(d) of Chapter 3 of Division 4 (General Commercial (CG) District).

4. A mixed-use (Residential and Commercial) project proposed as part of a conversion of use permit and evaluated subject to a Conditional Use Permit shall be designed using a combination of the standards required in subparagraphs (1) and (2), above. The dominant use of each mixed-use building shall determine the applicable development standards for that building. In the case of ambiguity, the most restrictive development standards shall apply.

85.0403540 EMINENT DOMAIN

In the event there is an exercise of eminent domain by the City which has the effect of a mobilehome park conversion, relocation assistance benefits shall be provided by the City to affected mobilehome owners and residents pursuant to the provisions of this Article or the law of eminent domain, whichever provides the maximum benefit.

85.0403545 PROTECTIONS

- A. Before entering a rental agreement, the park owner shall advise each prospective mobilehome owner and mobilehome tenant, in writing, that a proposed Relocation Impact Report and conversion permit application has been filed and that the prospective mobilehome owner or tenant will not be entitled to any relocation assistance under this Article.
- B. Any mobilehome owner or tenant already leasing or renting a space in the park, or residing in a mobilehome in the park, on the date the application for approval of a Relocation Impact Report is filed shall be eligible for relocation assistance.
- C. No park owner shall require any mobilehome owner or tenant to waive his/her rights to relocation assistance as a condition of leasing or renting a space in the park, except (i) when the mobilehome owner or tenant moves into the park after the date the conversion application is filed and (ii) prior to the new mobilehome owner's or tenant's execution of the lease or other rental agreement, the park owner gave written notice to that new mobilehome owner or tenant that the conversion application has been filed. Any such waiver will only be valid if the park owner completes the conversion hearing process within one year.
- D. No mobilehome owner shall be required to remove his or her mobilehome and no tenant shall be required to vacate a mobilehome until all of the following conditions have been satisfied:
 1. The park owner has given the six months' notice of closure required by Civil Code § 798.56 and that six-month period has elapsed;
 2. The City's decision approving the conversion is final; and
 3. The park owner has provided the relocation assistance required by the City as a condition of conversion.

- E. An application for conversion of a park does not relieve a mobilehome owner or tenant from his or her obligation to pay rent.
- F. Unless a Relocation Impact Report with Relocation Plan and conversion permit have been approved by the City and a certificate of acceptance has been recorded, as required by this Article, no mobilehome park owner, agent or representative shall do any of the following:
 - 1. Perform or carry out a mobilehome park conversion of use.
 - 2. Display a sign in the mobilehome park or distribute any notice to any resident mobilehome owners, mobilehome tenants or absentee mobilehome owners of the park announcing that the mobilehome park or any part thereof is closing, may be closing or has been closed, or that the land will no longer be used for a mobilehome park.
 - 3. Display a sign announcing a new use for the mobilehome park property.
- G. Nothing in this section shall be interpreted to preclude any notification to resident mobilehome owners, resident mobilehome tenants, or absentee owners, as may be required by state law, nor shall this section preclude notification to mobilehome owners, resident mobilehome tenants or absentee owners, that information is being requested in anticipation of the filing of a development application or request for approval of a park closure or other mobilehome park conversion of use. Notification to prospective mobilehome owners and tenants regarding the existence or status of any application or approval process affecting the mobilehome park shall not be considered a violation of this section.

85.0403550 CITY COUNCIL HEARING AND ACTION

- A. Upon the filing of a complete application for approval of a Relocation Impact Report and conversion permit, and verification to the City for review, **the Director shall either approve the conversion permit ministerially (if consisting of residential uses) with appropriate Notice and Findings outlined in the below sections adhered to, or** schedule a public hearing before the City Council if there are any related DOR/MOU applications **beyond those that are considered by-right** being requested as a part of the conversion permit. Notice of a public hearing shall be provided in accordance with § 83.010330 of this Code and shall also be provided as set forth in subdivision (B) below.
- B. At least thirty (30) days prior to the **potential** hearing date, the Director shall also perform the following actions:
 - 1. Mail a notice of the public hearing and a copy of the Relocation Impact Report to affected mobilehome owners and residents, and to all legal owners of mobilehomes in the mobilehome park. The notice shall contain a general explanation of the matters to be considered by the City Council. The copy of the Relocation Impact Report shall include the Relocation Plan, the appraisal of the mobilehome owned or resided in by that particular notice recipient and the pre-conversion questionnaire completed by that notice recipient.

2. Inform the conversion applicant in writing of the provisions of Civil Code § 798.56 regarding the conversion applicant's duty to notify affected mobilehome owners and residents of the proposed conversion. Such writing shall specify the manner in which the conversion applicant shall verify that affected mobilehome owners and residents have been notified of the proposed conversion.
 3. The conversion applicant shall pay all costs associated with providing notice, including any publishing and postage expenses.
- C. The City Council shall conduct a public hearing to review any proposed DOR/MOU that is associated with a conversion permit, and RIR with Relocation Plan. The City Council shall consider all relevant evidence presented at the public hearing and shall render its findings and decision within ninety (90) days therefrom, unless a shorter period of time is required by state law, such as the processing time imposed by the Subdivision Map Act. Such hearing shall not be held before the conversion applicant has satisfactorily verified that affected mobilehome owners and residents have been notified of the proposed conversion pursuant to Civil Code § 798.56.
- D. The City Council's decision shall be in the form of a written resolution approving, conditionally approving or disapproving the ~~Relocation Impact Report, including Relocation Plan, and conversion permit.~~ **Relocation Impact Report, Relocation Plan, and conversion permit.** If the application also includes a proposed DOR/MOU, including **the Relocation Impact Report, Relocation Plan, and conversion permit.** The City Council resolution shall include conditions to provide reasonable measures to mitigate the adverse impacts of the mobilehome park conversion on the affected mobilehome owners and residents; and conditions for approval of any proposed DOR/MOU.
- E. The City Council, **or Director** shall not approve the proposed RIR and Relocation Plan, unless the City Council ~~can~~ **can** make all of the following findings:
1. The RIR contains the information and documentation required by this Article and state law.
 2. The RIR and its relocation plan contain reasonable measures to mitigate the adverse impacts of the mobilehome park conversion on affected mobilehome owners and residents, and the City Council.
 3. The proposed mobilehome park conversion is consistent with the General Plan, and any applicable Specific Plan, or any similar state law or City Ordinance.
 4. The conversion applicant has complied with all notice requirements as provided for in Government Code § 65863.7(b) and (c), and Civil Code § 798.56, and this Article, and each affected mobilehome owner and resident has had adequate notification of the proposed conversion.
 5. The RIR accurately represents the total reasonable costs associated with the relocation of affected mobilehome park owners and residents pursuant to Government Code § 65863.7(e).

6. The City ~~Council~~ has imposed conditions to ensure that the conversion applicant shall be subject to, and shall take reasonable measures to mitigate the adverse impacts of the mobilehome park conversion on the affected mobilehome owners and residents.
- F. The City Council shall not approve a proposed Development Opportunity Reserve and Memorandum of Understanding unless the City Council makes all of the following findings:
1. For residential projects (including any mixed-use projects containing a residential portion), the proposed residential density is **up to 24 du/acre**. ~~within the range allowed under the Dwelling Unit Reserve set forth in subdivision 85.0403535(B)(1).~~
 2. For commercial projects (including any mixed use projects containing a commercial portion), the proposed maximum square footage of commercial uses does not exceed the Commercial Square Footage Reserve available for the commercial uses in combination with all other existing and proposed commercial uses as provided in subdivision 85.0403535(B)(2), and further does not exceed the maximum floor area ratio(s) applicable pursuant to the underlying land use district and any applicable Specific Plan.
 3. The conceptual architecture and project design contains enhanced elements that would justify approval of increased residential density and/or commercial square footage.
 4. The applicant has submitted a signed covenant, as part of the DOR/MOU, that acknowledges the City's approval of the DOR/MOU does not constitute a binding commitment by the City to allow any specific development of the subject property, or vest any rights in the applicant to develop the subject property in accordance with the MOU/DOR, and that the applicant shall be required to submit and obtain approval of formal land use permits and other entitlement applications in order to develop the subject property.
- G. If an application includes applications for land use permits or other entitlements to implement a proposed conversion, such as a conditional use permit, those other entitlement applications shall be processed, reviewed, noticed and decided in accordance with the usual procedures set forth in this Code, including but not limited to any necessary review, noticing and/or action by the Planning Commission. Notwithstanding the foregoing, if a tentative map or tentative parcel map application is filed concurrently with the conversion application and DOR/MOU application, the tentative map or tentative parcel map application shall be concurrently processed for hearing by the Planning Commission in accordance with the requirements of this Code, but the Planning Commission shall make a recommendation on the proposed tentative map or tentative parcel map that shall subsequently be heard and decided by concurrently **by either the Director if the conversion permit allows no more than 24 du/acre and includes a Relocation Impact Report, or City Council if the conversion permit includes a DOR.**

85.0403555 CERTIFICATE OF ACCEPTANCE

Upon City approval of a conversion application and Relocation Impact Report, the applicant shall record a certificate of acceptance on the title of the mobilehome park property. City approval of a conversion application including Relocation Impact Report shall not be effective until proof of

recordation of a certificate of acceptance has been delivered to the Director. If the applicant included a proposed DOR/MOU, City approval of the DOR/MOU shall not be effective until the applicant has delivered the signed and notarized covenant required pursuant to § 85.0403550(F)(5) of this Article. The Director shall provide the certificate of acceptance form and covenant form for use by the applicant.

85.0403560 BUILDING PERMITS

No building permit shall be issued for conversion of a mobilehome park property until the conversion applicant has filed with the Director of Development Services a written statement confirming full performance of the mitigation measures set forth in, and the conditions imposed in connection with, the approved Relocation Impact Report and any other conditions imposed on the conversion of use. Such statement shall specify in itemized form the name of each affected resident mobilehome owner and resident and the date and type of relocation assistance provided to such person. The statement shall be executed under penalty of perjury.

85.0403565 EXPIRATION OF APPROVALS

Except as otherwise provided in the resolution of approval, the City Council approval of a conversion application and DOR/MOU approval shall expire under the following circumstances:

- A. Expiration for failure to submit Certificate of Acceptance. An approved conversion, with Relocation Impact Report and any DOR/MOU shall expire thirty (30) days after adoption of the resolution of approval, unless proof of recordation of a certificate of acceptance is delivered to the Director prior to such date, or unless such 30-day recording period is extended by the Director for good cause due to delays in recording beyond the reasonable control of the applicant.
- B. Expiration for Failure to Implement Project.
 - 1. An approved RIR, conversion permit, and any DOR/MOU ,shall expire two years after the date they are approved by the City Council. The Director of Development Services may deny or grant a request for an extension of time of the approval. The Director of Development Services may upon request grant an extension of time up to one (1) year, based upon a showing that good faith progress has been made toward fulfilling the conditions of approval or some intervening event not the fault of the park owner has prevented timely compliance with the conditions of approval and RIR including relocation plan, and/or the DOR/MOU. The conversion applicant or affected mobilehome owners or residents may appeal the Director’s decision on a request for an extension to the City Council.
 - 2. If the City Council approves an extension following an appeal, the City Council may impose conditions as deemed necessary to mitigate any adverse impacts resulting from an extension of a conversion use permit, including the RIR, relocation plan, and DOR/MOU. The City Council may grant multiple extensions but no single extension shall have a duration in excess of one (1) year.

- C. Upon the City’s approval of an extension of an approved RIR, conversion permit, and DOR/MOU, with additional conditions, the applicant shall record a certificate of acceptance on the title of the mobilehome park property. City approval of an extension shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director. An approved extension of a conversion permit, RIR with Relocation Plan, and any MOU/DOR, shall expire thirty (30) days after adoption of the resolution approving the extension, unless proof of recordation of a certificate of acceptance is delivered to the Director prior to such date, or unless such 30-day recording period is extended by the Director for good cause due to delays in recording beyond the reasonable control of the applicant.

85.0403570 PROCESSING FEES

The City Council may, by resolution, establish fees and deposits for the administration of this article.”

Section 2. Pursuant to CEQA, and the City’s local CEQA Guidelines, an Addendum to the 2016 Yucaipa General Plan Environmental Impact Report was prepared for the 6th Cycle Housing Element Update (2021-2029). This Addendum was prepared pursuant to Section 15164 of the CEQA Guidelines. The analysis contained in the addendum demonstrates that the conditions described in Section 15162 of the Guidelines that call for preparation of a subsequent or supplemental EIR have not been met, and that the adoption of the Ordinance is consistent with Program #8 identified in the Housing Element and would not result in impacts not originally analyzed in the Addendum to the 2016 General Plan EIR.

Section 3. Severability.

If any section, subsection, subdivision, sentence, clause, or phrase in this ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Section 4. Effective Date.

This ordinance shall take effect thirty (30) days after the date of its adoption by the City Council.

Section 5. Publication and Posting.

The City Clerk is hereby directed to cause the following summary of this ordinance to be published by two (2) insertions in the Yucaipa News Mirror, a newspaper of general circulation that is printed, published, and circulated in the City of Yucaipa, and hereby designated for that purpose by said Council of the City of Yucaipa: “Ordinance No. 429, proposing amendments to streamline the review process initially developed as part of Ordinance No. 344, which amended Chapter 4 (Land Use Modifications) of Division 5 (Overlay Districts) of Volume II (Development Code) of the Yucaipa Municipal Code establishing mobilehome park conversion standards, to comply with the City’s Housing Element.”

PASSED, APPROVED and ADOPTED on this ____ of September, 2023.

Justin Beaver, Mayor

ATTEST:

Ana Sauseda, City Clerk

APPROVED AS TO FORM:

Steven Graham, City Attorney